

**2002 REPORT OF THE SECRETARY OF COMMERCE  
TO THE CONGRESS OF THE UNITED STATES  
CONCERNING U.S. ACTIONS TAKEN ON  
FOREIGN LARGE-SCALE HIGH SEAS DRIFTNET FISHING  
PURSUANT TO SECTION 206(e) OF THE  
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT,  
AS AMENDED BY PUBLIC LAW 101-627,  
THE FISHERY CONSERVATION AMENDMENTS OF 1990**

## I. INTRODUCTION

**Public Law 101-627:** On 28 November 1990, the President signed Public Law 101-627, the Fishery Conservation Amendments of 1990. Title I, Section 107, of the law amended Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (hereafter referred to as the Magnuson-Stevens Act) (16 USC 1826) to incorporate and expand upon provisions of the Driftnet Impact Monitoring, Assessment, and Control Act of 1987.

Section 206(b) of the Magnuson-Stevens Act sets forth Congressional findings, including inter alia that "the continued widespread use of large-scale driftnets beyond the exclusive economic zone (EEZ) of any nation is a destructive fishing practice that poses a threat to living marine resources of the world's oceans." It also notes the expansion of large-scale driftnet fishing into other oceans and acknowledges the 30 June 1992 global driftnet moratorium called for by United Nations General Assembly (UNGA) Resolution 44/225. Finally, Section 206(b) recognizes the moratorium on the use of large-scale driftnets agreed through the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention.

Section 206(c) sets forth the Congress' driftnet policy, specifically that the United States should:

- (1) implement the moratorium called for by UNGA Resolution 44/225;
- (2) support the Tarawa Declaration and the Wellington Convention; and
- (3) "secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone of any nation."

Section 206(d) directs the Secretary of Commerce, through the Secretary of State and the Secretary of Transportation, to seek to secure international agreements to implement immediately the findings, policy, and provisions of Section 206, particularly the international ban on large-scale driftnet fishing.

Section 206(e) directs the Secretary of Commerce, after consultation with the Secretaries of State and Transportation, to submit to Congress no later than 1 January an annual report (1) describing the efforts made to carry out Section 206(c); (2) evaluating the progress of those efforts, the impacts on living marine resources, including available observer data, and plans for further action; (3) listing and describing any new high seas driftnet fisheries developed by nations that conduct or authorize their nationals to conduct large-scale high seas driftnet fishing; and (4) listing nations that conduct or authorize their nationals to conduct high seas driftnet fishing in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party.

Finally, if at any time the Secretary of Commerce, in consultation with the Secretaries of State and Transportation, identifies any nation that warrants inclusion in the list described in (4) above, the Secretary shall certify that fact to the President. This certification shall be deemed to be a certification for the purposes of section 8(a) of the Fishermen's Protective Act of 1967

(22 U.S.C. 1978(a), as amended by Public Law 102-582), hereafter referred to as the Pelly Amendment. Such a certification gives the President the discretion to embargo some or all products imported into the United States from that nation, so long as such action is consistent with U.S. obligations under the General Agreement on Tariffs and Trade.

**Public Law 102-582:** On 2 November 1992, the President signed Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act. Among other things, this Act is intended to enforce implementation of a worldwide driftnet moratorium beginning 31 December 1992, as called for by UNGA Resolution 46/215. Once the Secretary of Commerce identifies a country as a nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the EEZ of any nation, pursuant to the Act, a chain of U.S. actions is triggered. The Secretary of the Treasury must deny entry of that country's large-scale driftnet vessels to U.S. ports and navigable waters. At the same time, the President is required to enter into consultations with the country within 30 days after the identification to obtain an agreement that will effect the immediate termination of high seas large-scale driftnetting by its vessels and nationals. If these consultations are not satisfactorily concluded within 90 days, the President must direct the Secretary of the Treasury to prohibit the importation into the United States of fish, fish products, and sport fishing equipment from the identified country. The Secretary of the Treasury is required to implement such prohibitions within 45 days of the President's direction.

If the above sanctions are insufficient to persuade the identified country to cease large-scale high seas driftnet fishing within six months, or it retaliates against the United States during that time period as a result of the sanctions, the Secretary of Commerce is required to certify this fact to the President. Such a certification is deemed to be a certification under the Pelly Amendment.

**Public Law 104-43:** Public Law 104-43, the Fisheries Act of 1995, was enacted on 3 November 1995. Title VI of this law, the High Seas Driftnet Fishing Moratorium Protection Act, prohibits the United States, or any agency or official acting on behalf of the United States, from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of UNGA Resolution 46/215. This act also specifies that the President of the United States shall utilize appropriate assets of the Department of Defense, the U.S. Coast Guard, and other Federal agencies, to detect, monitor, and prevent violations of the UN large-scale high seas driftnet moratorium for all fisheries under the jurisdiction of the United States, and to the fullest extent permitted under international law for fisheries not under U.S. jurisdiction.

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, in consultation with the Department of State and the Department of Transportation (the department under which the U.S. Coast Guard currently operates), submits the following report for 2002 in fulfillment of the Section 206(e) reporting requirement. Information pertaining to U.S. actions in support of the Act prior to 2002 and after 1988 can be found in the 1990-2001 annual driftnet reports to the Congress available from NMFS.

## **II. DESCRIPTION AND PROGRESS OF EFFORTS MADE TO CARRY OUT PROVISIONS OF SECTION 206(c) POLICY**

### **A. Implementation of the Driftnet Moratorium called for by UNGA Resolutions 44/225, 45/197, and 46/215:**

#### **1. Current Status of the Driftnet Moratorium**

As of 31 December 2002, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 10 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be generally successful. No confirmed cases of unauthorized large-scale high seas driftnet fishing were reported anywhere on the world's oceans and seas in 2002.

##### **a. North Pacific Ocean**

No large-scale driftnet fishing vessels were intercepted on the high seas of the North Pacific Ocean by the international community in 2002. However, there were unconfirmed sightings by tuna and squid fishermen of five driftnet vessels operating in the Northwestern Pacific. It is possible that the sightings may have involved the same vessel or vessels.

#### **(1) Regional Driftnet Enforcement Efforts**

Monitoring compliance with the UN moratorium on large-scale high seas driftnet fishing continues to be an important mission for the U.S. Coast Guard (USCG) and NMFS. All USCG high seas driftnet enforcement operations in the North Pacific in 2002 were planned and executed in cooperation with enforcement officials of Japan, Canada, and Russia under the aegis of the North Pacific Anadromous Fish Commission (NPAFC).

The NPAFC serves as a forum for promoting the conservation of anadromous stocks and ecologically-related species, including marine mammals, sea birds, and non-anadromous fish, in the high seas area of the North Pacific Ocean. This area, as defined in the Convention, is "the waters of the North Pacific Ocean and its adjacent seas, north of 33° North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured." In addition, the NPAFC serves as the venue for coordinating the collection, exchange, and analysis of scientific data regarding the above species within Convention waters. It also coordinates high seas fishery enforcement activities by member countries. (The Convention prohibits directed fishing for salmonids and includes provisions to minimize the incidental take of salmonids in other fisheries in the Convention area).

NPAFC Joint Operations Information Coordination Group (JOICG): The NPAFC established the JOICG in 2001 to exchange enforcement-related information, via computer and communications technology, for the protection of salmon resources and prevention of large-scale high seas driftnet fishing in the NPAFC Convention Area. The JOICG is comprised of designated enforcement officials from each of the NPAFC Parties, who serve as conduits for the

exchange and dissemination of such information to their respective governments. Since November 2001, JOICG points-of-contact have communicated with each other at a minimum of once each month to ensure open lines of communication.

NPAFC Enforcement Evaluation and Coordination Meeting (EECM): Representatives from the Parties to the NPAFC met in Kodiak, Alaska, on 7-9 May 2002, for the annual NPAFC EECM. The EECM was co-hosted by the United States and Canada and sponsored by the NPAFC Secretariat. The meeting included presentations by each Party on its enforcement efforts to date, its enforcement plans and resources for the remainder of 2002, and an assessment of the effectiveness of the JOICG.

The Russian delegation summarized the final results of Russia's prosecution of the F/V *SAKHFRAKHT 3*, a Russian driftnet vessel detected in May 2001 fishing illegally for salmon 15 nautical miles inside the Russian EEZ. The F/V *SAKHFRAKHT 3* was discovered during the 2001 EECM by the first USCG HC-130 aircraft patrol to be staged out of Petropavlovsk-Kamchatsky. The vessel's captain was placed on probation for 3 years and his fishing license was suspended for 3 years. The vessel owner was fined in excess of 1 million rubles (roughly \$31,000).

The U.S. delegation provided each Party with a CD-ROM containing photographs of research, enforcement, and high seas driftnet vessels, and demonstrated a draft high seas driftnet enforcement internet web page. The highlight of the meeting was a demonstration patrol aboard a Canadian Department of National Defense (DND) CP-140 Aurora aircraft that had just finished its deployment patrolling the NPAFC Convention Area. Participants were also given a tour of USCG Air Station Kodiak aircraft and the USCG Cutter *ALEX HALEY*.

NPAFC Annual Meeting: The 10<sup>th</sup> Annual Meeting of the NPAFC was held in Vladivostok, Russia, on 6-11 October 2002. Enforcement officials of the Parties met under the auspices of the NPAFC Committee on Enforcement to review enforcement activities in 2002, based on presentations from each Party. The Parties reported that there was no confirmed unauthorized large-scale high seas driftnet fishing detected in the NPAFC Convention Area in 2002. In addition to continued communication and coordination through the JOICG, the Parties established an Enforcement Procedures Working Group to evaluate, on an on-going basis, areas of improvement and expansion of enforcement activities to prevent the illegal harvest of salmon in the Convention Area. The contributions of each Party to the 2002 high seas driftnet fisheries enforcement effort are summarized below.

## **(2) U.S./Canada Driftnet Enforcement Efforts**

To monitor compliance with the driftnet moratorium, the USCG, NMFS, and the Canadian Department of Fisheries and Oceans (DFO) continued to carry out surveillance activities in North Pacific high seas areas that in the past were routinely fished by large-scale driftnet vessels. On 19-20 February 2002, representatives from the three bodies above met in Victoria, B.C., Canada for a pre-season high seas driftnet enforcement planning meeting. The main focus of the

meeting was to share intelligence and coordinate patrol activities. Representatives also discussed the potential driftnet threat and enforcement plans for 2002.

Operation “Northern Watch,” the USCG’s large-scale high seas driftnet enforcement plan, officially began in early April 2002. During 2002, USCG HC-130 aircraft flew 15 sorties for a total of 125 surveillance hours. Twelve of the flights were flown from Alaska, 2 from Hawaii, and one from Petropavlovsk-Kamchatsky. NMFS spent 271 person-hours engaged in high seas driftnet fisheries enforcement activities in 2002. NMFS enforcement personnel accompanied Canadian enforcement officials on Canada’s CP-140 aircraft patrols of the NPAFC Convention Area.

The USCG received two unconfirmed reports of illegal high seas driftnet activity in the North Pacific in July and August 2002. On 25 July 2002, Japanese squid jigging vessels reported three driftnet vessels operating at 41°25'N, 169°06'E. One of the vessels was photographed and identified as the *ZHOU-ENG-TONG 601*. The USCG submitted this evidence to the People’s Republic of China (PRC) for further investigation. Approximately two weeks later, on 6 August 2002, U.S. and Canadian commercial tuna fishermen observed two vessels tending driftnets near 42°06'N, 166°12'E. Unfortunately, none of the NPAFC Parties had enforcement vessels available in the area to investigate the sightings. The USCG flew two C-130 patrols on 12-13 August 2002, but was unable to relocate the vessels.

Canada conducted 190 hours of aerial surveillance in the North Pacific high seas driftnet fishing area in 2002. Canadian flight operations involved two DND CP-140 Aurora aircraft, associated flight crews, technicians and ground support, plus two DFO fishery officers and two NMFS special agents. A total of 20 patrols were conducted from Eareckson Airfield, Shemya Island, Alaska, from 17 April-06 May 2002. The average duration of each patrol was 8 hours. The surveillance area was a quadrilateral defined by the coordinates 40°N, 175°W; 50°N, 175°W; 53°N, 167°E, and 40°N, 149°E. These coordinates were chosen based on the high probability of thermoclines used by salmon and threat assessment information. In addition, a member of the Canadian DND assigned to the operational tasking of the aircraft was located at USCG 17<sup>th</sup> District headquarters in Juneau, Alaska, to liaise with the USCG.

Canadian surveillance flights detected 450 targets within the operational area; 3 of which fit the profile of high seas driftnet vessels. Investigation of the three vessels revealed that one of the vessels, the *M/V MYS NORD*, was a large-scale driftnet vessel operating just inside the Russian EEZ. Canada provided copies of the *MYS NORD* evidence package to the NPAFC Parties at the EECM in May 2002. The Russian Federation conducted an investigation of the *MYS NORD* and found no evidence of high seas driftnet fishing, although it proposed to include the vessel in the NPAFC database of suspected large-scale high seas driftnet vessels.

### **(3) Japan’s Driftnet Enforcement Efforts in the North Pacific**

Japan's 2002 driftnet fishery enforcement efforts consisted of the deployment in the North Pacific Ocean of four Fisheries Agency of Japan (FAJ) patrol vessels for a total of 158 ship days at sea, two Hokkaido local government patrol vessels for 124 ship days at sea, and six Japanese

Coast Guard vessels for a total of 76 ship days at sea. Vessel patrols took place in April-July 2002. Japanese Coast Guard and FAJ aircraft flew a total of 96 hours (76 hours for fixed wing and 20 hours for helicopter) and 78 hours, respectively, in May-July 2002, in the North Pacific. No illegal large-scale high seas driftnet fishing activity was observed.

#### **(4) Russian Federations's Enforcement Efforts in the North Pacific**

The Russian Federal Border Service (FBS) Northeast Regional Directorate in Petropavlovsk-Kamchatsky engaged five patrol vessels for a total of 142 days in the North Pacific in 2002. The FBS Pacific Regional Directorate in Vladivostok employed one patrol vessel for 14 days in the southern part of the NPAFC Convention Area. Patrols were conducted from mid-April through August 2002. Russian AN-72 aircraft flew a total of 10 sorties from April-August 2002. None of the patrols detected any high seas driftnet fishing activity.

Russia intends to maintain the same level of enforcement in 2003.

#### **(5) Potential Driftnet Threat in the North Pacific Ocean in 2002**

Despite the actions taken by the international community to implement the UN global driftnet moratorium, sporadic large-scale high seas driftnet fishing activity persists in the North Pacific Ocean. The high threat areas for illegal large-scale high seas driftnet fishing in 2003 are expected to remain consistent with those areas where such activity was detected in the past. Driftnet fishing targeting salmon is expected to take place north of 47°N, west of 173°E, and bounded by the U.S. and Russian EEZs. The greatest threat period is generally from April through June.

U.S. Enforcement Efforts for 2003: To support U.S. enforcement efforts in the area in 2003, the USCG will emphasize surveillance with its HC-130 aircraft at levels consistent with 2002 or adequate to meet the high seas driftnet fishing threat. It will continue to schedule patrols by high endurance cutters in areas that give them the capability to respond to any potential violations in the NPAFC Convention Area. The USCG also intends to continue its policy of issuing *Local Notices to Mariners* prior to and during the high-threat driftnet fishing season. It intends to improve upon the information provided in these notices and will partner with the other Parties to the NPAFC to provide more detailed information on high seas driftnet fishing to mariners via an internet website. The United States has encouraged other countries in the region to establish a similar system for advising mariners.

NMFS will continue to place enforcement officers on Canadian high seas driftnet flights during 2003 deployments.

Canadian Enforcement Efforts for 2003: The Canadian Government will commit 180 hours of air surveillance time to high seas driftnet enforcement in 2003. Due to conflicting priorities for the DND CP-140 Aurora aircraft, Canada intends to begin its high seas driftnet enforcement patrols in May 2003, slightly later than in 2002. The 2003 patrol area will be similar to the area patrolled in 2002.

Multilateral Enforcement Efforts for 2003: Parties to the NPAFC have agreed to maintain 2003 enforcement efforts at high levels to ensure a sufficient enforcement presence in the area to serve as an effective deterrent. To coordinate enforcement efforts, the Parties agreed to tentatively hold the EECM in Canada in May 2003.

## **b. Mediterranean Sea**

There were no confirmed sightings of large-scale driftnet vessels operating on the high seas of the Mediterranean Sea in 2002.

European Union (EU): In 1997, the EU began to consider an EU-wide driftnet ban in the Mediterranean Sea and North Atlantic Ocean as a means of effectively enforcing the UN driftnet moratorium. On 8 June 1998, the EU Fisheries Council adopted a law banning the use of driftnets by 1 January 2002 in all waters falling within the jurisdiction of Member States, as well as outside those waters. The EU driftnet ban entered into force on 1 January 2002.

## **2. Interagency Agreements**

Fisheries Enforcement Memorandum of Understanding (MOU): On 11 October 1993, the Secretaries of Transportation, Commerce, and Defense entered into the Memorandum of Understanding Between the Secretary of Transportation, the Secretary of Commerce and the Secretary of Defense Relating to the Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States. The MOU, required under Section 202 of Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act, established a mechanism for the use of the surveillance capabilities of the Department of Defense for locating and identifying vessels violating U.S. marine conservation laws and international agreements, including UNGA Resolution 46/215. The MOU also set formal procedures for communicating vessel locations to the Secretary of Commerce and the U.S. Coast Guard. A copy of the MOU was attached to the 1993 Driftnet Report to the Congress.

## **3. Bilateral Driftnet Agreements**

### **a. U.S.-PRC MOU**

The United States and the PRC continued to work together in 2002 to ensure effective implementation of UNGA Resolution 46/215 in the North Pacific Ocean pursuant to the terms of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991*, signed in Washington D.C. on 3 December 1993. The MOU (also referred to as the "Shiprider Agreement") established boarding procedures for law enforcement officials of either country to board and inspect U.S. or PRC flagged vessels suspected of driftnet fishing. The MOU also established a shiprider program, which allows PRC fisheries enforcement officials to embark on U.S. Coast Guard resources during each driftnet fishing season. Pursuant to this provision, the



PRC has provided enforcement officials to the USCG each year since the MOU entered into force. As a bilateral enforcement agreement, the MOU facilitates/expedites investigations of suspicious vessels when they are encountered on the high seas. The current MOU expires on 31 December 2004.

Two PRC fisheries officials were posted at the USCG Regional Fisheries Training Center in Kodiak, Alaska, during the 2002 high seas driftnet fishing season. These officials were available for deployment to facilitate boarding and communication with PRC-flagged vessels. However, there were no confirmed sightings of PRC vessels driftnet fishing in the North Pacific Ocean in 2002. As mentioned earlier, evidence collected on an unconfirmed sighting of a potential PRC vessel driftnet vessel was passed to the PRC Government for investigation via one of the PRC fisheries officials stationed in Kodiak.

#### **b. U.S.-Italy Driftnet Agreement**

Following an order of the U.S. Court of International Trade, the United States on 19 March 1999 identified Italy as a nation for which there is reason to believe its nationals or vessels are conducting large-scale driftnet fishing beyond the EEZ of any nation, pursuant to the U.S. High Seas Driftnet Fisheries Enforcement Act (the Act). This marked the second time the United States identified Italy pursuant to the Act (the first identification was in 1996). As a result of the identification, the United States began consultations with the Government of Italy on 17 April 1999 to obtain an agreement to effect the immediate termination of such activities. Agreement was formally reached by the two countries on 15 July 1999, via an exchange of diplomatic notes. Complete details of the agreement can be found in the NMFS 1999 Driftnet Report to the Congress.

The new driftnet agreement reiterated the Government of Italy's commitment to full implementation of the measures to combat large-scale high seas driftnet fishing contained in the 1996 U.S.-Italy driftnet agreement. As a result of Italy's driftnet vessel conversion program (a product of the 1996 agreement), about 85 percent of Italy's driftnet fleet of 679 vessels were converted to other fishing methods or scrapped by March 2000. The Government of Italy expected the remaining vessels to continue to fish in Italian waters until the EU driftnet ban entered into force in 2002 (Italy is a member of the EU).

Italy took a number of measures in addition to the driftnet vessel conversion program to strengthen the enforcement of its laws relating to driftnet fishing. It publicized a March 1999 court decision prohibiting the possession, as well as use of, driftnets longer than 2.5 kilometers. Italy increased boarding and inspections of driftnet vessels at dockside. The Italian Government implemented a detailed 1999 enforcement action plan involving joint enforcement efforts with European Union fisheries inspectors and proposed bilateral enforcement agreements with other EU Mediterranean countries. The Italian Coast Guard committed to increase at-sea monitoring by regional Coast Guard districts and spot checks of seized driftnets, until such netting can be destroyed.

Developments in 2002: The United States did not receive any reports of Italian fishing vessels or nationals using large-scale driftnets on the high seas of the Mediterranean Sea in 2002. According to Italian enforcement authorities, Italy dedicated over 15,000 hours and 93,600 nautical miles to driftnet monitoring during the 2002 fishing season. As a result, Italian authorities reportedly seized nets in Italian ports and territorial waters from a total of 103 driftnet vessels that were violating the EU ban on any driftnet fishing.

#### **4. Resolutions and Letters in Support of UNGA Resolution 44/225**

##### **a. UNGA Driftnet Resolutions and Decisions**

Details on UNGA Driftnet Resolutions 44/225 (1989), 45/197 (1990), 46/215 (1991), 50/25 (1995), 51/36 (1996), 52/29 (1997), 53/33 (1998), 54/32 (1999), 55/8 (2000), and UNGA Driftnet Decisions 47/443 (1992), 48/445 (1993), and 49/436 (1994), and supporting resolutions and actions taken by the United States in other fora prior to 2002 have been provided in previous driftnet reports to the Congress available from NMFS.

In mid-November 2002, at its fifty-seventh session, the UNGA adopted Resolution A/57/L: *Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, illegal, unreported, and unregulated fishing, fisheries by-catch and discards, and other developments* (Attachment 1). Among other things, this resolution reaffirms the importance the General Assembly attaches to compliance with its previous driftnet resolutions, and in particular, Resolution 46/215. It notes the continued low number of reports of large-scale pelagic driftnet fishing operations, but also expresses concern that large-scale driftnet fishing remains a threat to marine living resources. It urges member nations to ensure that the implementation of Resolution 46/215 in some parts of the world does not result in the transfer of large-scale driftnets to other parts of the world. Finally, it requests that the Secretary-General bring the resolution to the attention of the international community, relevant intergovernmental organizations, the organizations and bodies of the UN system, regional and subregional fisheries management organizations or arrangements, and relevant nongovernmental organizations and invite them to provide him with information relevant to the implementation of the resolution. At the fifty-eighth session of the UN General Assembly in 2003, the issue of large-scale pelagic driftnet fishing will be included in the agenda item entitled “Oceans and the law of the sea,” the sub-item entitled “Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.”

##### **b. UN Driftnet Reports**

Since December 1992, the United States has been instrumental in ensuring that implementation of the high seas driftnet moratorium remains a priority of the UNGA. The United States will continue to support UNGA resolutions and decisions requesting that the UN Secretary-General submit to the General Assembly biennial reports on developments relevant to the implementation of the UN driftnet moratorium.

UNGA Resolution 55/8, adopted on 30 October 2000, requested that the Secretary-General submit to the General Assembly at its fifty-seventh session in 2002 a report relating to the implementation of the resolution entitled *Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, illegal, unreported and unregulated fishing, fisheries by-catch and discards, and other developments*. To assist the UN Secretary-General in executing this task, the United States submitted in July 2002 a report to the United Nations on U.S. fisheries activities to be taken into account in the preparation of the report (Attachment 2). The Secretary-General submitted the report (A/57/459) to the General Assembly on 9 October 2002. The portions of the report relevant to large-scale high seas driftnet fishing (paragraphs 8-37) are provided in Attachment 3. The full report can be found on the UN Oceans and Law of the Sea homepage on the internet ([www.un.org/Depts/los/index.htm](http://www.un.org/Depts/los/index.htm)).

## **B. Support for the Wellington Convention**

The United States took no specific actions in support of the Wellington Convention in 2002. Details on U.S. actions taken prior to 2002 are provided in previous driftnet reports to the Congress. No large-scale pelagic driftnet fishing activities were reported in the Wellington Convention area in 2002.

## **III. EVALUATION OF THE IMPACTS ON LIVING MARINE RESOURCES**

A detailed evaluation of the impacts of large-scale high seas driftnet fishing on salmonids, marine mammals and birds, tuna and non-salmonid fishes, and marine turtles was provided in the 1992 report to the Congress. The evaluation was based on catch data from the 1989-1992 scientific driftnet monitoring programs with Japan, Taiwan and the Republic of Korea. However, an enormous amount of North Pacific ecosystem data resulted from the driftnet scientific monitoring programs. Analyses and interpretation of these data continued through 1994 and descriptions of such research were included in the 1993 and 1994 driftnet reports.

## **IV. LIST AND DESCRIPTION OF ANY NEW FISHERIES DEVELOPED BY NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION**

We are not aware of any new fisheries that have been developed by nations that conduct, or authorize their nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation.

**V. LIST OF NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION IN A MANNER THAT DIMINISHES THE EFFECTIVENESS OF OR IS INCONSISTENT WITH ANY INTERNATIONAL AGREEMENT GOVERNING LARGE-SCALE DRIFTNET FISHING TO WHICH THE UNITED STATES IS A PARTY OR OTHERWISE SUBSCRIBES.**

As detailed in Section II.A.3.b. of this report, the Secretary of Commerce identified Italy on 19 March 1999 pursuant to the High Seas Driftnet Fisheries Enforcement Act as a nation that conducts, or authorizes its nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation. On 15 July 1999, the United States and Italy formally agreed on measures to effect the immediate termination of Italian large-scale high seas driftnet fishing. For this reason, the United States did not impose trade sanctions on Italian fish, fish products and sport fishing equipment pursuant to the Act. However, the United States has continued to apply the provision of the High Seas Driftnet Fisheries Enforcement Act that denies entry of Italian large-scale driftnet vessels to U.S. ports and navigable waters. Since 29 May 1996, it has also required Italy to provide documentary evidence pursuant to the Dolphin Protection Consumer Information Act (16 U.S.C. 1371(a)(2)(E)) that certain fish and fish products it wishes to export to the United States are not harvested with large-scale driftnets on the high seas.

The fact that the United States received no reports of Italian fishing vessels using large-scale driftnets on the high seas of the Mediterranean Sea from 1999-2002 is testimony to the success of the U.S.-Italy driftnet agreement. Provided that Italy continues to comply with the EU ban on all driftnet fishing by member countries, and in particular that there are no reports of Italian vessels using large-scale driftnets on the high seas, the Secretary will consider rescinding the two actions described above in 2003.

The Secretary has not identified, pursuant to the High Seas Driftnet Fisheries Enforcement Act, any other nations that conduct, or authorize their nationals to conduct, large-scale driftnet fishing beyond the EEZ of any nation in a manner that diminishes the effectiveness of, or is inconsistent with, any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes.